

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.,

Plaintiff,

vs.

THE REPUBLIC OF CUBA,

Defendant.

12 Civ. 1596 (AKH)

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr., et al.,

Petitioners,

vs.

BANCO BILBAO VIZCAYA ARGENTARIA (S.A.), et al.,

Respondents/Garnishees.

BANK OF AMERICA, N.A.,

Garnishee-Respondent and
Third-Party Petitioner,

vs.

BANCO BILBAO VIZCAYA ARGENTARIA S.A.
(F/K/A ARGENTARIA CAJA POSTAL Y BANCO
HIPOTECARIO S.A.), et al.,

Adverse Claimants-Respondents.

**ANSWER OF BANCO BILBAO VIZCAYA ARGENTARIA, S.A. TO
THIRD-PARTY PETITION ALLEGING CLAIMS IN THE NATURE
OF INTERPLEADER FILED BY BANK OF AMERICA, N.A.**

Banco Bilbao Vizcaya Argentaria, S.A. (f/k/a Argentaria Caja Postal y Banco Hipotecario S.A.) (“BBVA”), by and through their attorneys, White & Case LLP, for their Answer to the Third-Party Petition Alleging Claims in the Nature of Interpleader Filed by Bank of America, N.A. (“Third-Party Petition”), dated April 10, 2014, states as follows:

1. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.

2. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.

4. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.

5. BBVA denies the allegations in Paragraph 5.

6. BBVA denies the allegations in Paragraph 6.

7. BBVA admits the allegations in Paragraph 7.

8. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8.

9. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9.

10. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10.

11. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12.

13. The allegations in Paragraph 13 state legal conclusions to which no response is required.

14. The allegations in Paragraph 14 state legal conclusions to which no response is required.

15. The allegations in Paragraph 15 state legal conclusions to which no response is required.

16. The allegations in Paragraph 16 state legal conclusions to which no response is required.

17. The allegations in Paragraph 17 state legal conclusions to which no response is required.

18. The allegations in Paragraph 18 state legal conclusions to which no response is required.

19. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

20. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. The allegations in Paragraph 21 state legal conclusions to which no response is required.

22. BBVA admits the allegations in Paragraph 22.

23. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. BBVA admits the allegations in Paragraph 24.

25. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

26. BBVA admits the allegations in the first sentence of Paragraph 26 to the extent that they allege BBVA is a bank organized under the laws of the Kingdom of Spain with its principal place of business in the Kingdom of Spain and a branch office in London, United Kingdom. BBVA admits the allegations contained in the second sentence of Paragraph 26.

27. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27.

28. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.

30. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30.

31. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31.

32. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32.

33. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33.

34. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34.

35. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35.

36. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36.

37. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37.

38. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38.

39. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39.

40. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40.

41. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42.

43. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43.

44. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44.

45. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45.

46. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46.

47. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47.

48. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49.

50. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50.

51. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51.

52. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52.

53. The allegations in Paragraph 53 state legal conclusions to which no response is required.

54. BBVA admits the allegations in Paragraph 54.

55. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55.

56. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56.

FIRST AFFIRMATIVE DEFENSE

57. This Court lacks subject matter jurisdiction over this action under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605 et seq.

WHEREFORE, BBVA respectfully prays that the Court dismiss this action for lack of subject matter jurisdiction and award such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 18, 2014

WHITE & CASE LLP

By: /s/ Kenneth A. Caruso
Kenneth A. Caruso

1155 Avenue of the Americas
New York, New York 10036
(212) 819-8200

Attorneys for BBVA